

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nadia Sanchez	Team: Squad #14	CCRB Case #: 202100991	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/04/2021 10:50 PM, Thursday, 02/04/2021 11:15 PM	Location of Incident: 2212 3rd Avenue; 25th Precinct Stationhouse	18 Mo. SOL 8/4/2022	Precinct: 25		
Date/Time CV Reported Thu, 02/04/2021 11:43 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 02/16/2021 11:09 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Henry Gregorek	05126	963555	025 PCT
2. POF Denise Jones	11494	966124	025 PCT
3. POM Matthew Sichel	01884	966338	025 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Henry Gregorek	Abuse: Outside of 2212 3rd Avenue in Manhattan, Police Officer Henry Gregorek stopped the vehicle in which § 87(2)(b) was an occupant.	
B . POF Denise Jones	Abuse: Outside of 2212 3rd Avenue in Manhattan, Police Officer Denise Jones stopped the vehicle in which § 87(2)(b) was an occupant.	
C . POM Matthew Sichel	Abuse: At the 25th Precinct stationhouse, Police Officer Matthew Sichel did not process § 87(2)(b) complaint regarding officers.	

Case Summary

On February 4, 2021, § 87(2)(b) filed this complaint with the Internal Affairs Bureau (IAB). § 87(2)(b) complaint was received by the CCRB on February 16, 2021.

On February 4, 2021, at approximately 10:50 p.m., § 87(2)(b) double parked his vehicle in front of City Fresh Market located at 2212 3rd Avenue in Manhattan to answer a phone call. PO Henry Gregorek and PO Denise Jones, both of the 25th Precinct, stopped § 87(2)(b) vehicle for double parking (**Allegations A, B: Abuse of Authority**, § 87(2)(g)). After approximately 10 minutes, § 87(2)(b) was released, and no summons or arrest resulted.

Approximately 10 minutes later, § 87(2)(b) went to the 25th Precinct stationhouse to file a complaint about the officers. § 87(2)(b) spoke to PO Matthew Sichel of the 25th Precinct at the front stationhouse desk. PO Sichel provided § 87(2)(b) with the phone number for IAB and at no point offered to take § 87(2)(b) complaint at the stationhouse (**Allegation C: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) left the stationhouse without further incident and called IAB, where he ultimately filed this complaint.

Body worn camera footage was obtained from the NYPD, the relevant aspects of which are discussed in further detail below.

Findings and Recommendations

Allegation (A) Abuse of Authority: Outside of 2212 3rd Avenue in Manhattan, Police Officer Henry Gregorek stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Outside of 2212 3rd Avenue in Manhattan, Police Officer Denise Jones stopped the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that PO Henry Gregorek and PO Denise Jones approached § 87(2)(b) in his vehicle for double parking.

In his testimony to the CCRB (**BR 01**), § 87(2)(b) stated he went to City Fresh Market after completing his shift at § 87(2)(b) in Manhattan. At approximately 11:30 p.m., § 87(2)(b) parked his vehicle by the supermarket and went inside to buy groceries. Once he completed his shopping, § 87(2)(b) returned to his vehicle. As § 87(2)(b) pulled out of his parking spot, he received a call on his cell phone. § 87(2)(b) double parked in front of City Fresh Market to pick up the phone call. Approximately two minutes later, § 87(2)(b) looked in his rearview mirror and saw PO Gregorek and PO Jones approach his vehicle on foot from behind him. PO Gregorek approached § 87(2)(b) on the driver's side and asked § 87(2)(b) for his license and registration. § 87(2)(b) asked why he was stopped, and PO Gregorek explained that § 87(2)(b) was double parked. § 87(2)(b) gave PO Gregorek his license and registration. PO Gregorek went to the police vehicle behind § 87(2)(b) vehicle, and in under 10 minutes, returned with § 87(2)(b) license. PO Gregorek handed § 87(2)(b) back his license and told § 87(2)(b) to have a good night. The officers left without further incident.

In PO Gregorek's body worn camera footage (**BR 02**), PO Gregorek was in the front passenger seat of a police vehicle. § 87(2)(b) vehicle was double parked a few feet away from the police vehicle in front of City Fresh Market, which can be seen at the 1:00 mark of PO Gregorek's body worn camera footage. PO Gregorek approached the driver's seat of § 87(2)(b) vehicle. PO Gregorek greeted § 87(2)(b) and requested his license and registration. § 87(2)(b) agreed and

asked why he was being stopped. PO Gregorek told § 87(2)(b) it was because he was double parked. PO Gregorek requested § 87(2)(b) license and registration two more times. § 87(2)(b) provided PO Gregorek with his license. PO Gregorek walked back to the police vehicle and entered the front passenger side. After a few minutes, PO Gregorek stepped out of the vehicle and walked back to § 87(2)(b) vehicle. PO Gregorek handed § 87(2)(b) his license back and did not issue a summons. PO Gregorek walked away without further incident.

In PO Jones' body worn camera footage (BR 03), the same actions that occurred in PO Gregorek's footage were depicted. PO Jones was a few feet away from PO Gregorek during the interaction on the other side of § 87(2)(b) vehicle. PO Jones did not say anything throughout the incident.

34 RCNY 4-08 of the New York City Traffic Rules under the Rules of the City of New York (BR 04) states that double parking is prohibited on the roadway side of a parked, stopped, or standing vehicle at the curb.

At 1:05 of PO Gregorek's body worn camera footage, § 87(2)(b) vehicle is double parked on the roadway side of two vehicles parked in front of City Fresh Market across a fire hydrant. Furthermore, § 87(2)(b) acknowledged double parking his vehicle during his CCRB interview.

§ 87(2)(g)

Allegation (C) Abuse of Authority: At the 25th Precinct stationhouse, Police Officer Matthew Sichel did not process § 87(2)(b) complaint regarding officers.

It is undisputed that § 87(2)(b) went to the 25th Precinct stationhouse at approximately 11:30 p.m. on February 4, 2021, after his interaction with PO Gregorek and PO Jones, to file a complaint. It is undisputed that § 87(2)(b) spoke to the telephone switchboard operator on duty, PO Matthew Sichel, who provided § 87(2)(b) with a phone number to call the Internal Affairs Bureau.

§ 87(2)(b) stated in his testimony to the CCRB that approximately 10 minutes after PO Gregorek and PO Jones left, he drove to the 25th Street Precinct stationhouse to file a complaint. § 87(2)(b) entered the 25th Precinct stationhouse and approached the front desk where PO Sichel was working. § 87(2)(b) told PO Sichel he would like to make a complaint against an officer. PO Sichel asked § 87(2)(b) what his reason was for making a complaint. § 87(2)(b) told PO Sichel he was stopped while sitting in his vehicle. § 87(2)(b) did not remember what PO Sichel told him exactly, but § 87(2)(b) felt frustrated because PO Sichel was not allowing him to make a complaint. § 87(2)(b) asked PO Sichel if he was going to help him make a complaint. PO Sichel told § 87(2)(b) he needed more information, and § 87(2)(b) said he just wanted to make a complaint. Eventually, § 87(2)(b) asked for a number to call the Internal Affairs Bureau, at which point PO Sichel stood up from his desk and returned with the number. § 87(2)(b) then left without further incident.

In his testimony to the CCRB (BR 05), PO Matthew Sichel stated that at approximately 11:30 p.m., he was alone at the desk where the T/S operator sits, facing the lobby, when § 87(2)(b) entered the stationhouse. § 87(2)(b) appeared to be irate and explained to PO Sichel he was double parked and approached by an officer, PO Gregorek. PO Sichel asked § 87(2)(b) what the nature of the incident was to better aid him. § 87(2)(b) explained that he had been double parked when he was approached by the officers. § 87(2)(b) felt he was being discriminated against because civilians often double park and did not understand why him double parking was out of the ordinary

or worth being stopped over. PO Sichel told § 87(2)(b) that officers give tickets to double parked vehicles all the time and that the reason § 87(2)(b) was stopped had nothing to do with his race. PO Sichel did not recall if § 87(2)(b) asked for PO Sichel's help in making a complaint. § 87(2)(b) told PO Sichel he wanted something to be done about the whole situation. PO Sichel referred § 87(2)(b) to the CCRB poster near the desk and asked him to take a photo of the poster. PO Sichel also referred § 87(2)(b) to the Internal Affairs Bureau by giving him the telephone number to call. PO Sichel did not recall § 87(2)(b) asking to make a complaint at the stationhouse and said if § 87(2)(b) had asked to make a complaint at the stationhouse, he would have informed his supervisor because he believed officers were not allowed to take civilian complaints of other officers without a supervisor.

According to Patrol Guide Procedure 207-31 (**BR 06**), a member of service receiving a complaint from a civilian alleging misconduct by a uniformed member of service must report all misconduct complaints to the Civilian Complaint Review Board and process complaints made in person by interviewing the complainant, giving the complainant a copy of the Civilian Complaint Report (to be prepared in the complainant's own handwriting), and providing assistance to the complainant if necessary in preparing the form.

As PO Sichel acknowledged his failure to process § 87(2)(b) in-person civilian complaint by pointing § 87(2)(b) to a CCRB poster and providing him the telephone number of the Internal Affairs Bureau, the investigation determined that PO Sichel did not follow the Patrol Guide's requirement to process § 87(2)(b) civilian complaint. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Gregorek has been a member of service for four years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)
- PO Jones has been a member of service for three years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)
- PO Sichel has been a member of service for three years and has been a subject in three CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 14, 2021, an inquiry for a Notice of Claim to the New York City Office of the Comptroller was filed and will be updated when results are returned (**BR 07**)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 14

Investigator: Nadia Sanchez
Signature

Investigator Sanchez
Print Title & Name

08/03/2021
Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 08/04/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date